IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 23234 of 2005

Between:

Subbigari Penchalaiah

..... PETITIONER

AND

The Station House Officer,

Naiyudupeta Police Station,

Nellore District and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, directing the respondents 1 to 3 to register the crime basing on the complaint filed by the petitioner before the 1st respondent, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

The grievance of the petitioner is that he made a complaint before the 1st respondent on 20.10.2005 stating that he is the owner of the agricultural land admeasuring Ac.1.80 cents of land in Survey No.323/2 situated at Naiyudupeta, and while so, one Smt.Kamalamma with the help of Velagacherla Narsimha, Mala Kondaiah Naidu (Topi Naidu) Velagacherla Penchalaiah with some other anti-social elements and goondas in drunken position have attacked his house and while he was sleeping, they have pressed the pillow on his face and tried to kill him inhumanly, and at that time his wife Smt.Ramanamma woke up and made cries and shouts along with his daughter and neighbours also woke up and in the meanwhile the culprits ran away from the scene. It is further complained that as there was threat of danger to their lives, they took shelter in his relatives' house and hence requested the police to take action. It is stated that no action has been taken so far on the said complaint.

It is the statutory duty of the police to register a case under Section 154 of the Code of the Criminal Procedure if the allegations of the complaint made out a prima facie case of cognizable offence or else lodge the same. It is for the 1st respondent to take appropriate decision on the complaint made by the petitioner.

Therefore, without entering into the merits of the case, I deem it appropriate to dispose of the writ petition, with a direction to the

1st respondent to register a case, if the allegations in the complaint of the petitioner made out a prima facie case of cognizable offence or lodge the same by taking

appropriate decision, within a week from the date of receipts of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 09.11.2005

Dsr